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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,822	12/28/2000	Michael Wayne Nelson	CSCS-3804	8487

7590 05/16/2006

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Third Floor
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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No. 09/751,822	Applicant(s) NELSON ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Action Background

1. This action is responsive to the applicant's amendment, filed on 2/28/2006.
2. Applicant has amended claims 1, 10, 19 and 28.
3. Claims 1-35 are pending in the case, claims 1, 10, 19 and 28 are independent claims.
4. Examiner's rejection of claims 1-9 and 28-36, made under 35 USC 101 in the *Claim Rejections – 35 USC 101* section of the previous office action (dated 8/23/2005) is withdrawn in view of applicant's remarks.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

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6. Claims 1-36 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer US Patent 6,356,909 (filed 8/23/1999, patented 3/12/2002) in view of Gurne et al. US Patent 5,541,840 (filed 6/25/1993, patented 7/31/1996, hereinafter "Gurne").

7. **Regarding independent claim 1**, Spencer discloses storing a plurality of templates, receiving selection of a template by a user, retrieving the selected template from storage, and displaying the template to the user. Spencer recites: *"Using templates for predetermined RFP types (step 23), RFP creators can quickly choose a template that enables them to begin creating a client specific RFP. After the template or an existing RFP is selected, the user may review the RFP to add or delete appropriate sections or questions, as shown in step 24"* (column 12, lines 34-38). Spencer further recites: *"In one embodiment of the present invention, the system and method provide RFP creators with the capability to capitalize on previously developed RFP's and specific questions within each RFP using a question database and a RFP database accessible through the web site interface"* (column 3, lines 26-31).

Spencer discloses a template that enables a user to select and sequence sections, sub-sections and fields for inclusion in a document to be built. Spencer discloses selecting and sequencing elements of the document in Figure 4 at reference sign 28, shown as *"Organize RFP"*. Spencer also discloses the use of standard word processing software. Spencer recites: *"When all questions and specifications are completed, the RFP is compiled and prepared using a word processing program"* (column 1, lines 65-67) and

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indicates a typical word processor as Microsoft Word (column 9, line 25). It is well known in the art that a word processor, such as Microsoft Word, would allow a user to select a template, display the template to the user and allow the user to select and sequence elements of a document in order to provide a complete document.

Spencer discloses a user selecting a template from a plurality of templates as described above. Spencer fails to explicitly disclose selecting from a list. Gurne teaches the selection of a template from a template list. Gurne recites: *"To retrieve a predetermined template, the technician simply selects that template from the selection list"* (column 10, lines 35-36). Therefore it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the customizable template of Spencer with the template list selection as taught by Gurne, to provide *"the capability for the technician to develop customized reading templates for gathering such diverse information quickly and efficiently"* (Gurne, column 10, lines 26-28).

8. **Regarding dependent claims 2-6**, Spencer discloses a database used to store content in Figure 3A at reference signs 2-7, shown as *"Question Database"*, *"Analysis Database"*, *"Response Database"*, *"Client Database"*, *"User Database"* and *"RFP Database"*. Spencer further discloses in Figure 3C, at reference signs A, B and C, lists of content that is selectable subject matter.

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9. **Regarding dependent claims 7**, Spencer discloses in Figure 4 creating a new template at reference sign 21 (shown as "*Create Brand New RFP*").
10. **Regarding dependent claims 8**, Spencer recites: "*This allows users to prepare reports at any time during the process. Any additional information that may be needed is generated. This allows users to output all of the data into the format of their choice or use the internal system tools to generate reports/results*" (column 16, lines 47-49).
11. **Regarding dependent claim 9**, the claim is directed toward substantially the same subject matter as claim 2, and is rejected with the same rationale.
12. **Regarding claims 10-18 and 28-36**, the claims are directed toward a system for the method of claims 1-9, and are rejected with the same rationale.
13. **Regarding claims 19-27**, the claims are directed toward a computer readable medium for the method of claims 1-9, and are rejected with the same rationale.

Response to Arguments

14. Applicant's arguments filed 2/28/2006 have been fully considered but they are not persuasive.
15. Regarding independent claims 1, 10, 19 and 28, Applicant argues that: "*Spencer does not anticipate or render obvious*" the features of the claims (page 14, second paragraph of the response filed 2/28/2006) and that Gurne does not "*remedy the deficiencies of Spencer*" (page 14, last paragraph of the response filed 2/28/2006). Applicant is directed to the rejections of the claims as recited above. As noted above, Spencer discloses the use of a word processing program that would allow the claimed features of selecting and sequencing elements of a document to provide a completed document. (See column 1, lines 65-67 and column 9, line 25 of Spencer).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

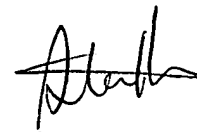
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the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Gregory J. Vaughn
May 4, 2006